

Notice of Allowability

Application No.

10/516,611

Examiner

Peter J. Vrettakos

Applicant(s)

WAKIKAIDO ET AL.

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment 12-3-04.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 6-6-5, 12-3-4
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

The application is published application number: 2005/0149,009. The publication is classified in US 606/33 and 607/156.

The following subclasses were searched: 606/27-52 and 607/156 with an emphasis on at least two electrodes, an insulating member, magnetic material (MR imaging related).

The Applicant is requested to provide (or check for accuracy) at the beginning of the Specification updated status information (serial numbers and patent numbers) of all related applications. The effective filing date of this application is 6-3-02 (foreign priority).

Pending claims as 11-4-06 are 1-11.

A preliminary amendment was filed 12-3-04.

Claims 1-11 were examined. Claim 1 is the lone independent claim.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 6-6-5 (12-3-4) is being considered by the examiner.

The application is in condition for allowance because the prior art neglects to disclose or suggest an electrode device with a central conductor body, a tubular

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insulator body, a tubular external electrode, a central electrode, a projection and a cylindrical member as claimed in the application's lone independent claim (1). Further, the cylindrical member is highly magnetic, whereas all other elements are less magnetic (in order to illuminate the cylinder member through MR imaging).

The closest prior art is US Patent application publication US 2001/0044575 (provided in the IDS). The Office studied each of the numerous embodiments in the publication and determined it unfair to assert a rejection. The publication has MR cylindrical markers (27,101,103,116,117); however, the publication does not disclose or suggest the configuration between a central conductor body, a tubular insulator body, a tubular external electrode, a central electrode, a projection and a cylinder member as claimed in the instant application.

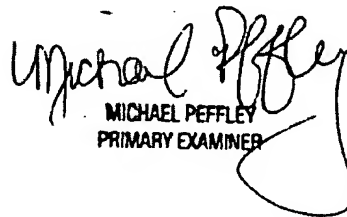
It's also noted that in order for the Applicant's device to function as intended, the electrodes, which in the relevant art are conventionally metallic and electrically conductive, must be of a lesser magnetic quality to not show up on an MR image, whereas the cylindrical member must be of a magnetic quality to show up on an MR image. As such, any prior art that might be physically equivalent or suggestive for a rejection, must also be made up of the above combination of magnetic and non-magnetic materials.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Vrettakos whose telephone number is 571-272-4775. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pete Vrettakos
November 9, 2006



MICHAEL PEFFLEY
PRIMARY EXAMINER